



STATE OF WISCONSIN
Department of Employee Trust Funds
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CORRESPONDENCE MEMORANDUM

DATE: February 11, 2011

TO: Employee Trust Funds Board
Teachers Retirement Board
Wisconsin Retirement Board

FROM: David H. Nispel, General Counsel
Steve Hurley, Office of Policy, Privacy and Compliance

SUBJECT: Status of Proposed Administrative Rules

This memo is for informational purposes only. No Board action is required.

The memorandum is organized to show the rules that need to be approved by each board. In some instances, rules will need to be approved by all three boards, while in other instances only one or two boards will need to approve the rule.

As of February 11, 2011, there are 10 rules, which can be divided into the following categories:

ETF, WR, and TR Boards.....	6
ETF and TR Boards.....	1
ETF Board Only.....	2
WR Board Only.....	1

I. Rules to be Approved by Employee Trust Funds Board, Wisconsin Retirement Board, and Teachers Retirement Board

A. Status: Public Hearings Held in February 2011 (Hearing dates listed in parentheses)

- CR10-137, Spousal consent rule relating to amending § ETF 20.055, Wis. Admin. Code, to reflect the provisions in 1993 Wisconsin Act 426 and the language regarding spousal consent waivers. (February 10, 2011)

Reviewed and approved by Robert J. Conlin, Deputy Secretary.

Signature

2/16/2011
Date

Board	Mtg Date	Item #
Jl	3.10.11	5B

- CR 10-138, Power of Attorney rule relating to amending § ETF 10.75, Wis. Admin. Code, to harmonize the rule with Wisconsin's new power of attorney law (2009 Wisconsin Act 319). (February 3, 2011)

B. Status: Published in Wisconsin Administrative Register – ETF Staff Drafting Rule

- Technical rule relating to making technical updates and corrections to existing ETF rules.
- Annual federal compensation limits rule relating to clarifying how the Department administers federal compensation limits under Section 401 (a) (17) of the Internal Revenue Code (IRC) as provided in § 40.03 (2) (t), Wis. Stats.
- Qualified Domestic Relations Orders (QDRO) rule relating to changes to domestic partnerships, correct minor drafting errors, and to clarify how QDROs will be implemented in various situations that are currently not addressed in the statutes or rules.
- Appeal procedures rule relating to updating ETF 11 to improve and clarify the process for members, the administrative law judge, the boards that decide appeals, ETF, and others involved in the appeals process.

II. Rules to be Approved only by Employee Trust Funds Board and Teachers Retirement Board

A. Status: Published in Wisconsin Administrative Register – ETF Staff Drafting Rule

- Election rule relating to changes to streamline the administrative process for the election of persons to the Teachers Retirement Board and Employee Trust Funds Board and to allow for the use of modern voting technologies.

III. Rules to be Approved only by Employee Trust Funds Board

A. Status: Published in Wisconsin Administrative Register – ETF Staff Drafting Rule

- Internal Revenue Code compliance rule relating to clarifying how ETF administers provisions of the IRC, including §§ 415 (b), 415 (c) and 401 (a) (17) as provided in § 40.03 (2) (t), Wis. Stats. This scope statement

incorporates the scope statement on § 401 (a) (17) that was published in the Administrative Register (see Item I. B. above).

- Internal Revenue Code compliance rule relating to clarifying how ETF administers IRC conditions under § 401 (a) as codified in §§ ETF 10.08, 20.02, and as governed by § 40.23 (1) (a) 1., Wis. Stats. ETF also seeks to clarify language in the Code to ensure compliance by better informing both employee and employer of IRC requirements.

IV. Rules to be Approved only by Wisconsin Retirement Board

A. Status: Published in Wisconsin Administrative Register – ETF Staff Drafting Rule

- Duty disability rule relating to clarifying the existing rule regarding the administration of the duty disability program and streamlining the process of applying for and making a departmental determination regarding duty disability benefit.

We will be available at the March 10, 2011, Board meeting to answer questions.